



Order Filed on March 12, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)
STERN, LAVINTHAL & FRANKENBERG, LLC
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Roseland, NJ 07068
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Attorney for Secured Creditor, M&T Bank as servicing
agent for Lakeview Loan Servicing, LLC
By Maria Cozzini, Esq.

In Re:

Colin James Flynn and Jill Beth Flynn,

Debtor(s).

Case No.: 17-13528-RG

Chapter: 13

Hearing Date: 1/20/21

Judge: Rosemary Gambardella

**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**

DATED: March 12, 2021

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

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Debtor: Colin James Flynn and Jill Beth Flynn

Case No: 17-13528-RG

Caption: Order Resolving Motion to Vacate Stay with Conditions

Applicant:	<u>Lakeview Loan Servicing, LLC</u>
Applicant's Counsel:	<u>Stern Lavinthal & Frankenberg, LLC</u>
Debtor's Counsel:	<u>Marc G. Alster, Esq.</u>
Property Involved ("Collateral"):	<u>60 Walnut Street, Oakland, NJ 07436</u>

Relief sought:

- ✓ Motion for relief from the automatic stay
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for 2 months, from November 2019 to December 2019.
- The Debtor is overdue for 2 payments at \$ 4,545.67 per month.
- The Debtor is overdue for 12 months, from January 2020 to December 2020.
- The Debtor is overdue for 12 payments at \$4,559.43 per month.
- Less a suspense balance of \$3,286.13.
- Applicant acknowledges receipt of funds in the amount of \$11,600.00 received after the motion was filed.

Total Arrearages Due \$ 48,918.37.

2. Debtor must cure all post-petition arrearages, as follows:

- Beginning on January 1, 2021, regular monthly mortgage payments shall continue to be made in the amount \$4,597.83.
- Immediate payment shall be made in the amount of \$2,170.54. Payment shall be made no later than January 31, 2021.
- Additional monthly cure payments shall be made for 3 months as follows: Cure payment in the amount \$4,447.83 due on February 1, 2021; Cure payment in the

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Debtor: Colin James Flynn and Jill Beth Flynn

Case No: 17-13528-RG

Caption: Order Resolving Motion to Vacate Stay with Conditions

amount of \$2,300 due on March 1, 2021; and a final cure payment in the amount of
\$40,000.00 due on April 1, 2021.

3. Payments to the Secured Creditor shall be made to the following address(es):

✓ Immediate payment: M&T Bank
1100 Wehrle Dr
Williamsville, New York 14221

✓ Regular monthly payment: M&T Bank
1100 Wehrle Dr
Williamsville, New York 14221

✓ Monthly cure payment: M&T Bank
1100 Wehrle Dr
Williamsville, New York 14221

4. In the event of Default:

✓ If the Debtors fail to make the immediate payment specified above or fail to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

✓ The Applicant is awarded attorneys fees of \$350.00, and costs of \$181.00.

The fees and costs are payable:

✓ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

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Debtor: Colin James Flynn and Jill Beth Flynn

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☐ Attorneys' fees are not awarded.

In re:
Colin James Flynn
Jill Beth Flynn
Debtors

Case No. 17-13528-RG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Mar 12, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 14, 2021:

Recip ID	Recipient Name and Address
db	+ Colin James Flynn, 60 Walnut St., Oakland, NJ 07436-2647
jdb	+ Jill Beth Flynn, 60 Walnut St., Oakland, NJ 07436-2647

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 14, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 12, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Jeanette F. Frankenberg	on behalf of Creditor M&T Bank as servicer for Lakeview Loan Servicing LLC cmecf@sternlav.com
Jeanette F. Frankenberg	on behalf of Creditor Cenlar FSB as servicer for Lakeview Loan Servicing LLC cmecf@sternlav.com
Marc G. Alster	on behalf of Debtor Colin James Flynn malster@alsterlaw.com r59840@notify.bestcase.com
Marc G. Alster	on behalf of Joint Debtor Jill Beth Flynn malster@alsterlaw.com r59840@notify.bestcase.com

District/off: 0312-2

User: admin

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Maria Cozzini

on behalf of Creditor M&T Bank as servicer for Lakeview Loan Servicing LLC mcozzini@sternlav.com

Marie-Ann Greenberg

magecf@magtrustee.com

Melissa N. Licker

on behalf of Creditor Lakeview Loan Servicing NJ_ECF_Notices@mccalla.com mcallaecf@ecf.courtdrive.com

Rebecca Ann Solarz

on behalf of Creditor Toyota Motor Credit Corporation rsolarz@kmlawgroup.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10